

Special Education Advisory Panel

November 4, 2005

Minutes

Members Present

Deana O'Brien	Melissa Frazier	DeAnn Fiedler
Pat Jackson	Doreen Frappier	Ray Wicks
Steve Viola	Theresa Valdes	Tamara Arthaud
Lynda Roberts	Kent Kolaga	Eileen Huth
Jeaneal Alexander	Ken Southwick	Trish Grassa
Meghan Stewart	Cathy Meyer	Pam Walls
Kim Oligschlaeger	Melodie Friedebach	Barbara Scheidegger
Mary Kay Savage	Shirley Woods	Dorothy Parks
Kristen Callen	Martha Crabtree	

Members Not Present

Amanda Coleman	Richard Staley	Nina Murphy
Mike Hanrahan	Bev Woodhurst	
Patti Simcosky	Joan Zavitsky	

DESE Staff Present

Mary Corey	Heidi Atkins Lieberman	Thea Scott
Kate Numerick	Megan Thompson	

Call to Order/Introductions/Approval of Minutes – Deana O'Brien called the meeting to order at 8:45 a.m. In the minutes from last meeting, the last names for Melissa and Doreen were switched. Pam Walls made a motion to approve the minutes as corrected. Trish Grassa seconded the motion. Motion passed.

Review SPP/Regional Meetings Outcomes - Mary Corey indicated that since the last meeting, Division staff have drafted the State Performance Plan (SPP) which is due to OSEP by December 2. Regional meetings were conducted for people interested in commenting on the SPP. Mary reviewed the PowerPoint presentation that was used during the regional meetings to the panel members and also discussed suggested changes received from the regional meetings. Panel members were given the opportunity to suggest changes to the SPP.

Mary indicated that the state will be required to report this data for each of the local school districts. Districts will want to make sure that their data is reported accurately.

- **Graduation Rates** – There was discussion about the targets for graduation rate for students with disabilities. Mary indicated that targets are adjustable and can be reset in future years and that OSEP has to approve our targets. They may feel they are too low or should be changed in some way. Kent Kolaga made a motion that the target (gap) for graduation rates for 2011 be half of what it is now (move it up to 81%). Discussion occurred. Cathy Meyer seconded the motion. A vote was taken. Motion passed with two abstentions.
- **Dropout Targets** – Mary indicated that the suggested target for dropout rates for students with disabilities is 3.8% by 2011. Trish Grassa made a motion to approve this goal. Ray Wicks seconded the motion. Motion passed.
- **Annual Yearly Progress (AYP) Goals** – The panel agreed with the AYP targets. There were no additional comments or suggestions.
- **Suspension/Expulsion** – (within district comparison) Mary indicated that there were many public comments and that more training of positive behavior support (PBS) is needed. PBS has been good.

DESE plans to identify approximately 10-15 districts each year that need assistance in this area. The panel did not have any additional suggestions.

- Placements – (all placements) Some are for school age (K-21) and some are for ECSE. A motion was made to have a target of 64% by 2011 (less than 21% placement). Ken Southwick seconded the motion. Motion passed with one abstention. Consensus from panel for a 10.5% target (more than 60% placement).
- Students served in segregated placement – Most of the panel agreed that the level of rigor should be maintained. Kent Kolaga felt that there needed to be even more improvement.
- ECSE placement with typically developing peers – The SPP target is to be at 50% by 2011. Many comments from the public indicated that this was too rigorous. Mary indicated that the Division may decide to lower that target.
- Parent Involvement (new indicator) – The panel made no additional suggestions.
- Disproportionality (new indicator) – The panel made no additional suggestions.
- Child Find (new indicator) – The panel made no additional suggestions.
- Part C to B Transition – The panel made no additional suggestions.
- General Supervision (state level type things) – The panel made no additional suggestions.

Mary indicated that if panel members had additional comments they wanted to make regarding the SPP, that they should email their comments to webreplyspedc@dese.mo.gov by no later than Monday, November 7.

Working Lunch

Sunshine Law Refresher – Heidi Atkins Lieberman, Legal Counsel for the Division of Special Education, provided information to the panel regarding the Sunshine Law. Prior to the meeting a handout was emailed to panel members giving a summary of the Sunshine Law and it included a questions and answers section and the top 10 things you should know about the Sunshine Law. Heidi indicated that:

- email communications among panel members are subject to the Sunshine Law if business is discussed and the message involves a majority of the members, counting the sender;
- informal luncheons or tavern meetings among panel members are subject to the Sunshine Law if business is discussed; and,
- subcommittee meetings are subject to the Sunshine Law.

Business is defined as “all matters that relate in any way to the performance of the public governmental body’s functions or the conduct of its business.” Heidi indicated that there is an individual \$1,000 fine if you knowingly break the law and a \$5,000 fine if you purposefully break the law. Lina Browner is the custodian of records for the Panel. It was suggested that panel’s Secretary be designated as the Sunshine Law “police.” That person should become familiar with the Sunshine Law requirements and assist panel members in complying.

Heidi also indicated that if a majority of the body of the panel is part of an email, it should be kept as part of a public record. Announcements for public meetings (subcommittee meetings) must include an agenda, time, location, and must be sent at least 48 hours in advance so it can be posted 24 hours in advance of the meeting. Minutes must also be taken and sent to Lina to be kept on file. The Attorney General’s office has a specific contact person for questions concerning the Sunshine Law.

Presentation on Curriculum/MAP/MAP-A - Megan Thompson, Supervisor, Special Education Effective Practices, discussed with the panel the MAP alternate and accommodations changes. She indicated that the MAP-alternate is more in line with the regular MAP. The IEP team must decide whether a student with a disability will participate in the subject area assessments (with or without accommodations) or the alternate assessments that comprise the MAP. If the IEP team decides the student will participate in the MAP subject area assessments with accommodations, then the team has the responsibility and authority to determine the individual accommodations that a student needs to ensure participation in these assessments. Districts can not make the administrative decision not to provide MAP Accommodations. Oral reading for the Communication Arts assessment will invalidate this test, and the student’s achievement level will be “Level Not Determined” for accountability purposes. However, the students who have the Communication Arts

assessment read to them will generate a student score report and can be used to assist in instruction. DESE has identified a list of common accommodations that might be needed by students with disabilities and is posted on the web at: http://dese.mo.gov/divspeced/Compliance/TAB/TAB_State-District_Assessments.pdf. Additional information about the MAP and MAP-A can be found at: <http://dese.mo.gov/divimprove/assess/index.html>.

RPDC staff have been conducting regional training for teachers on how to administer the revised MAP-A. DESE expects that approximately 6,000 MAP-A tests may be taken this year which is a huge increase from previous years. This is primarily due to required testing in math and Communication Arts in grades 3-8 and once each at the high school level. It is scored by a similar process as the MAP. It is highly recommended that teachers get the training but is not required. The RPDC staff are trained to assist teachers with questions about administering the MAP-A.

Due Process Disclosure – One copy of each due process decision for the FY 2004-05 school year was provided at the meeting for the panel to review. The due process decisions are also located on the Division's web site at http://dese.mo.gov/divspeced/Complaint_System/DPDecisions.html. A summary of the information was emailed to the panel prior to the meeting. Pam Walls asked what a settlement order was and Melodie Friedebach indicated that DESE would provide clarification on the handout and present it at the next meeting.

Formal Recommendation #9 - Melodie indicated that the survey was recently sent to parents and school districts for decisions filed since July 1, 2005. This survey will be ongoing. A copy of the survey was sent to the monitoring subcommittee.

Annual Report – It was discussed at the previous panel meeting that the panel may want to invite the Commissioner to a future meeting to give him the opportunity to give his response to the panel's annual report. Melodie talked with the Commissioner and he would be able to come to the February meeting but would need to come early afternoon. Panel members indicated that no formal request was made at the last meeting to have the Commissioner attend a panel meeting. Martha Crabtree made a motion that the Commissioner be asked to attend the February meeting. Tamara Arthaud seconded the motion. Motion passed with one abstention. In addition to responding to the annual report, it was suggested that the Commissioner address where he feels the state of education is going and give an idea of the "big picture." It was also suggested that he address the Governor's new proposal for expending 65% of funding on instruction and how that might impact education.

Bylaw Changes – Kent Kolaga handed out copies of the revised by-laws. He indicated that making changes to the duties of the panel should wait until the final regulations are received but that changes could be made to membership, the definition of a parent (child's age), and the expansion of the executive committee.

Changes include (items added are indicated in bold):

- Article III – Membership
 - Section I
 - Parents of children with disabilities (**ages birth through 26**).
 - State and local education officials, **including officials who carry out activities under subtitle B of the VII of the McKinney-Vento Homeless Assistance Act (42 USC 11431 et seq.)**,
 - **A representative from the State child welfare agency responsible for foster care, and**
 - Section II
 - **Representatives of State agencies shall serve as long as their agency directs.**
- Article VI – Executive Committee
 - Section I
 - The executive committee shall consist of the Chairperson, Vice Chairperson, Secretary, previous Chairperson, **and four (4) members at large**. One member shall be a parent of an individual with a disability or an individual with a disability. In the event that none of the elected officers are parents of a child with a disability or an individual with a disability, the panel shall elect an individual from its membership to serve on the executive committee.

Kent made the motion that the by-law changes be accepted (hold on the duties of the panel until final regulations are received). Pat Jackson seconded the motion. Motion passed.

Subcommittee Reports – Deana O’Brien indicated that the subcommittees should reflect the diversity of the panel. She will be reshuffling the members on the subcommittees and will try to keep preference in mind. She will notify everyone next week as to what subcommittee they will be serving on.

Evaluation – Lynda Roberts indicated that they will be presenting a revised format for the annual report at the next panel meeting. She will also be sending a survey to panel members.

Rules and Regulations – Ray Wicks indicated that the federal regulations are anticipated in December and his subcommittee needs to establish a plan to review the regulations prior to the February meeting to get a sense of what is there and what changes need will need to be made.

Monitoring – Kent Kolaga indicated that they have a couple issues to review and will have something to report at the next meeting.

Programs – Tamara Arthaud indicated that they also have a couple issues to review and will have a report at a future meeting. This committee is interested in Response to Intervention (RTI) and monitoring on eligibility determination for LD.

Nominations – Barbara Scheidegger discussed their recommendations for the process for nominations and appointments of members to SEAP (see handout). It was suggested that the form be posted on the web in Word format so that a person could fill in the blanks and email it to DESE. Deana O’Brien felt it would be appropriate for the nominations committee to make the contacts with potential nominees instead of DESE.

A topic for the next panel meeting is to discuss recruitment of officers and possible other options (co-chairs, vice chair being promoted to chair, etc.).

Public Comment – Cathy Meyer indicated that she had a list of answers to questions but decided since the subcommittees were being rearranged, she would wait to give her report until next meeting so as not to leave the other members of her subcommittee behind.

New Business – It was suggested that at the next meeting there needs to be discussion on the election of members at large for the executive committee. Also, should there be an amendment to the bylaws on when these appointments should be made and for what length of term.

Kent Kolaga suggested that panel meetings go back to the two-day format because of now having to post subcommittee meetings.

Adjournment - Cathy Meyer made a motion to adjourn. Kent Kolaga seconded the motion. Meeting adjourned at 4:00 p.m.